

ESTTA Tracking number: **ESTTA540209**

Filing date: **05/28/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91201967
Party	Plaintiff Whataburger Partnership
Correspondence Address	WILLIAM G BARBER PIRKEY BARBER LLP 600 CONGRESS AVENUE, SUITE 2120 AUSTIN, TX 78701 UNITED STATES wlarson@pirkeybarber.com, bbarber@pirkeybarber.com, eolson@pirkeybarber.com, tmcentral@pirkeybarber.com, jmcdaniel@dmtechlaw.com
Submission	Other Motions/Papers
Filer's Name	Wendy C. Larson
Filer's e-mail	wlarson@pirkeybarber.com, bbarber@pirkeybarber.com, eolson@pirkeybarber.com
Signature	/WCL/
Date	05/28/2013
Attachments	967 - dismissal.pdf(561213 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Whataburger Partnership,

Opposer,

v.

What A Pizza What A Price Franchising, L.L.C.,

Applicant.

§
§
§
§
§
§
§
§

Opposition No. 91201967

**NOTICE OF EXPRESS ABANDONMENT OF APPLICATION WITH PREJUDICE
AND STIPULATION OF DISMISSAL OF OPPOSITION**

Pursuant to 37 C.F.R §§ 2.68 and 2.135 and TBMP § 602.01, Applicant What A Pizza What A Price Franchising, L.L.C. expressly abandons Application Serial No. 85018316, with prejudice. Opposer Whataburger Partnership consents to this abandonment.

Further, Applicant What A Pizza What A Price Franchising, L.L.C. and Opposer Whataburger Partnership stipulate to dismissal of this Opposition No. 91201967.

Respectfully submitted,

By: _____

James Mark McCane, Member
What A Pizza What a Price Franchising, LLC
PO Box 162
Vanceburg, KY 41179

APPLICANT

By: _____

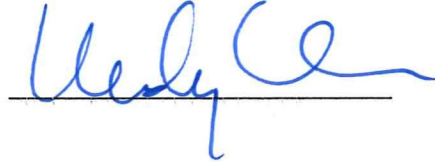
William G. Barber
Wendy C. Larson
PIRKEY BARBER PLLC
600 Congress Ave., Suite 2120
Austin, TX 78701
(512) 322-5200

ATTORNEYS FOR OPPOSER

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the NOTICE OF EXPRESS ABANDONMENT OF APPLICATION WITH PREJUDICE AND STIPULATION OF DISMISSAL OF OPPOSITION has been served via First Class Mail, postage prepaid (and a courtesy copy by email) to Applicant at the address below, on May 28, 2013:

James Mark McCane, Member
What a Pizza What a Price Franchising, LLC
PO Box 162
Vanceburg, KY 41179

A handwritten signature in blue ink, appearing to read "W. McCane", is written over a horizontal line.